

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL J. MICHEL,	:	CIVIL ACTION NO. 1:18-CV-1394
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WALL GREEN,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 19th day of December, 2018, upon consideration of the report (Doc. 8) of Magistrate Judge William I. Arbuckle, issued following review of the complaint (Doc. 1) of *pro se* plaintiff Samuel J. Michel (“Michel”) pursuant to 28 U.S.C. § 1915(e)(2), wherein Judge Arbuckle recommends that the court dismiss Michel’s complaint for failure to state a claim for which relief may be granted, and in particular for failure to comply Federal Rules of Civil Procedure 4(m), 8, and 11(a), (see Doc. 8 at 4-8), and it appearing that Michel has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy

itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in agreement with Judge Arbuckle’s recommendation, and concluding that there is no clear error on the face of the record, and further concluding that leave to amend would be futile as Michel has already been granted leave to amend and failed to avail himself of the opportunity, it is hereby ORDERED that:

1. The report (Doc. 8) of Magistrate Judge Arbuckle is ADOPTED.
2. Michel’s complaint (Doc. 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania